

**KOERNER & OLENDER, P.C.**

Attorneys at Law  
5809 Nicholson Lane, Suite 124  
North Bethesda, Maryland 20852-5706

Tel. (301) 468-3336  
Fax (301) 468-3343

Robert L. Olender \*  
James A. Koerner

---  
\*not admitted in MD

July 17, 2000

199  
RECEIVED  
JUL 17 2000  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

**HAND DELIVERY**

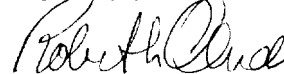
Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Dear Ms. Salas:

On behalf of Community Television Educators, there are transmitted herewith an original and four (4) copies of a Petition for Rulemaking, seeking a proceeding looking toward the allotment of non-commercial NTSC Channel 56 to Enid, Oklahoma, in substitution of existing non-commercial Channel 26.

Should further information be desired in connection with this matter, please communicate with this office.

Very truly yours,



Robert L. Olender  
Counsel for  
Community Television Educators

RLO/mp

Enclosures

11645.SALAS.0717

No. of Copies rec'd 0 + 4  
List ABCDE  
MMP

177  
RECEIVED  
JUL 17 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

**ORIGINAL**

In the Matter of )

Amendment of Section 73.606(b) )

TV Table of Allotments )

TV Broadcast Stations )

(Enid, Oklahoma) )

MM Docket No. \_\_\_\_\_

RM-

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING**

Community Television Educators ("CTE" or "Petitioner"), by its attorney, and pursuant to Section 1.401 of the Commission's rules and *Public Notice*, DA 99-2605 (released November 22, 1999) ("Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations") ("*Window Filing Notice*"),<sup>1</sup> hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to substitute non-commercial Channel 56 for the existing non-commercial Channel 26 allotment at Enid, Oklahoma. Accordingly, Petitioner proposes to amend Section 73.606(b) of the Commission's rules as follows:

No. of Copies rec'd 044  
List ABCDE

---

<sup>1</sup> On March 9, 2000, the Commission extended the window filing period until July 15, 2000. See *Public Notice*, 15 FCC Rcd 4974 (2000) ("Window Filing Opportunity For Certain Pending Applications and Allotment Petitions For New Analog TV Stations Extended to July 15, 2000").

	<u>Channel No.</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Enid, Oklahoma	*26+	*56+

In support of this request, the following is stated:

CTE currently has an application pending for a new non-commercial NTSC television station to operate on non-commercial Channel 26 at Enid, Oklahoma (File No. BPET-970331SF). As demonstrated in the attached engineering statement of Keith J. Leitch, the proposed non-commercial Channel 26 operation at Enid is short-spaced to seven (7) DTV allotments. *See Engineering Statement, Exhibit RM-1.*

As a result, pursuant to the *Window Filing Notice*, Petitioner requests that the FCC amend the TV Table of Allotments by substituting non-commercial Channel 56 in lieu of non-commercial Channel 26 at Enid. Petitioner has searched diligently for an alternative channel/transmitter site combination for the proposed allotment of Enid that would be fully-spaced to all other NTSC and DTV stations. Petitioner's efforts, however, have been unsuccessful. As demonstrated in Mr. Leitch's attached engineering statement, from the allotment reference point,<sup>2</sup> the proposed allotment of non-commercial Channel 56 at Enid is short-spaced to DTV Channel 56, Tulsa, Oklahoma. *See Engineering Statement, Exhibit RM-3.*

Petitioner is submitting a request for waiver of Sections 73.623(c) and 73.623(d) of the Commission's rules concerning the above-described short-spacings, assuming such a waiver is required, since it is not clear from the *Window Filing Notice* that a waiver is necessary. The

---

<sup>2</sup> The reference coordinates for the proposed allotment are North Latitude: 35° 58' 50"; West Longitude: 97° 41' 43".

*Window Filing Notice* states that “Petitions to change the channel of an existing allotment must protect DTV stations as defined in Section 73.623(c).” However, that section only applies to adding a DTV channel, not an NTSC channel. Furthermore, the only reference to a NTSC channel is when there is an amendment to existing petitions to add a new NTSC channel allotment, which must meet the minimum distance separators to DTV stations, as provided in Section 73.623(d). This is not applicable here, since this petition does not involve an amendment to an existing petition.

However, if applicable, a grant of the requested waiver would serve the public interest for a variety of reasons, and would result in no more interference than a fully-spaced allotment. Indeed, as demonstrated in the attached engineering statement, the proposed allotment of non-commercial Channel 56 at Enid would not cause any harmful interference to either DTV allotments. The proposed allotment also would provide the community of Enid with its first local non-commercial television service and thus promote the objectives of Section 307(b) of the Communications Act of 1934, as amended.

As demonstrated in Mr. Leitch’s attached engineering statement, from the transmitter site proposed in CTE’s pending application, the proposed non-commercial Channel 56 NTSC operation at Enid would not cause harmful interference to any other NTSC station or DTV station/allotment. *See* Engineering Statement, Exhibits RM-2, FLR-1 and FLR-2. The proposed non-commercial Channel 56 NTSC facility at Enid can operate from the proposed transmitter site with 2,500 kW directional effective radiated power at 411 meters height above average terrain without adversely affecting any other television station. The proposed NTSC non-commercial Channel 56 operation also would provide an 80 dBu contour to the entire community of Enid.


In light of the above, Petitioner requests that the Commission amend the TV Table of Allotments to substitute non-commercial Channel 56 for non-commercial Channel 26 at Enid, Oklahoma. In the event non-commercial Channel 56 is allotted to Enid, Petitioner will amend its pending application in accordance with the Report and Order issued in this proceeding to specify the new channel, and modify its technical proposal as necessary so that the proposed non-commercial Channel 56 NTSC facility will not cause harmful interference to any other television station. In the event its application is ultimately granted, CTE will promptly construct and operate the new facility.

**WHEREFORE**, in light of the foregoing, Petitioner respectfully requests that the Commission GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and SUBSTITUTE non-commercial Channel 56 for the existing non-commercial Channel 26 allotment at Enid, Oklahoma.

Respectfully submitted,

**COMMUNITY TELEVISION EDUCATORS**

July 17, 2000

By:   
Robert L. Olender  
Its Attorney

**Koerner & Olender, P.C.**  
5809 Nicholson Lane  
Suite 124  
North Bethesda, MD 20852  
(301) 468-3336

11645.PET-RM/ENID 071700

**WES, INC.**  
6200 Valeria Ln.  
El Paso, TX 79912

505-589-2224

**ENGINEERING EXHIBIT  
PETITION TO MODIFY THE TABLE OF  
ALLOTMENTS TO SPECIFY A  
DISPLACEMENT CHANNEL TO  
SUBSTITUTE FOR ENID, OKLAHOMA  
CHANNEL 26**

July 15, 2000

**ENGINEERING STATEMENT**

**Wes, Inc.****DECLARATION**

I, Keith J. Leitch declare and state that I am a Certified Broadcast Engineer, by the Society of Broadcast Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Community Television Educators.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.

  
Keith J. Leitch

Executed on the 15th day of July, 2000

**Narrative Statement**

**I. GENERAL**

This engineering report has been prepared on behalf of Community Television Educators in support of its request for a displacement channel (Channel 56 positive-offset) for its pending application for Channel 26 in Enid, Oklahoma (BPET970331SF).

**II. ENGINEERING DISCUSSION**

The applicant originally applied for a construction permit for an existing allocation on channel 26 in Enid, Oklahoma. The applicant is precluded from going on channel 26 due to several short-spacings to digital allocations as outlined in Exhibit RM-1.

The applicant proposes the following allocation site:

North Latitude: 35° 58' 50"

West Longitude: 97° 41' 43"

It is proposed to amend Section 73.606(b) of the Commission's rules, NTSC Table of Allotments, to allot Channel 56 (722-728 MHz) for the NTSC television operation of Community Television Educators. As is demonstrated below, the proposed Channel 56 NTSC operation at Enid, Oklahoma would not cause any harmful interference to any other analog NTSC or DTV station or allotments exceeding the Commission's guidelines. Enid, Oklahoma would provide additional service to a population of 905,525 people.

The proposed NTSC Channel 56 has site availability and can operate from the proposed antenna site with 2,250 kW directional ERP and 411 meters HAAT (735 meters RCAMSL) without adversely impacting other TV operations. The proposed antenna system is an Antenna Concepts C-170 pattern oriented at 260 degrees. The azimuth pattern for the proposed antenna is provided in Exhibit ANT-1. The proposed Channel 56 would serve all of Enid, Oklahoma inside its 80 dBu contour.



### Analog NTSC TV Allocation Situation

The attached Exhibit RM-2 demonstrates that Channel 56, Enid, OK, is free of any short-spacings to any other NTSC stations.

### Class A Situation

A complete study of all Class A LPTV stations has been conducted. The applicant is free of any contour overlap with protected Class A stations. The applicant will not cause any interference to any protected Class A stations.

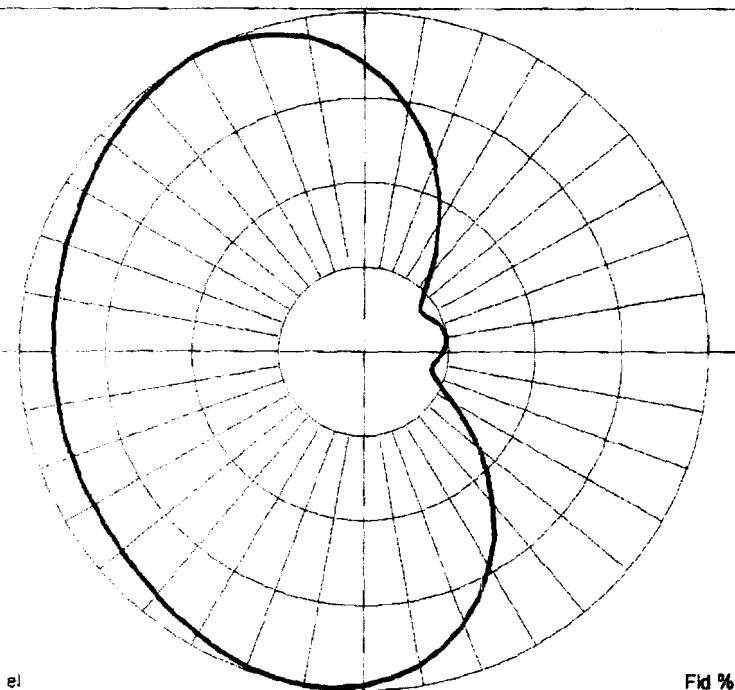
### DTV Allocation Situation

The attached Exhibit RM-3 lists all digital allotments that must be considered within 429 kilometers of the proposed rule-making. The applicant has utilized the FCC's own Fortran Longley-Rice program to determine interference to Digital Television stations. The applicant is 182.2 kilometers from Tulsa, Oklahoma Digital Channel 56. The required spacing to a co-channel digital stations is 244.6 kilometers. The attached exhibit FLR-1 demonstrates that digital channel 56 will receive 4,488 people (0.41%) of additional interference from Enid, Oklahoma Channel 56. The interference received by Tulsa is less than 0.5% which can be rounded to 0% and is therefore considered negligible by the Commission and can be ignored. The applicant does not cause any interference to any other digital station and receives a total of 75,822 persons of interference from all digital stations, as demonstrated in Exhibit FLR-2. The applicant willingly accepts any interference from all digital stations.

### **III. Summary**

The applicant must change channel from Channel 26 in Enid, Oklahoma to channel 56 in order to avoid interference to digital television. On channel 56, Enid will not cause any interference to any NTSC stations and digital stations above the Commissions guidelines. The applicant will not cause any interference to any Class A stations.

Exhibit ANT-1  
Enid, OK  
Antenna Pattern  
July 15, 2000



Az.	Fid%	ERP	dBk	Az	Fid%	ERP	dBk
000	0.854	1640.961	32.151	180	0.987	2191.880	33.408
005	0.797	1429.220	31.551	185	0.997	2236.520	33.496
010	0.733	1208.900	30.824	190	1.000	2250.000	33.522
015	0.663	989.030	29.952	195	0.996	2232.036	33.467
020	0.588	777.924	28.909	200	0.988	2196.324	33.417
025	0.512	589.824	27.707	205	0.976	2143.296	33.311
030	0.437	429.680	26.331	210	0.963	2086.580	33.194
035	0.365	299.756	24.768	215	0.949	2026.352	33.067
040	0.302	205.209	23.122	220	0.936	1971.216	32.947
045	0.251	141.752	21.515	225	0.926	1929.321	32.854
050	0.218	106.929	20.291	230	0.917	1892.000	32.769
055	0.204	93.636	19.714	235	0.910	1863.225	32.703
060	0.207	96.410	19.841	240	0.905	1842.806	32.655
065	0.219	107.912	20.331	245	0.902	1830.609	32.626
070	0.232	121.104	20.832	250	0.900	1822.500	32.607
075	0.241	130.682	21.162	255	0.900	1822.500	32.607
080	0.245	135.058	21.305	260	0.900	1822.500	32.607
085	0.241	130.682	21.162	265	0.900	1822.500	32.607
090	0.232	121.104	20.832	270	0.900	1822.500	32.607
095	0.219	107.912	20.331	275	0.902	1830.609	32.626
100	0.207	96.410	19.841	280	0.905	1842.806	32.655
105	0.204	93.636	19.714	285	0.910	1863.225	32.703
110	0.218	106.929	20.291	290	0.917	1892.000	32.769
115	0.251	141.752	21.515	295	0.926	1929.321	32.854
120	0.302	205.209	23.122	300	0.936	1971.216	32.947
125	0.365	299.756	24.768	305	0.949	2026.352	33.067
130	0.437	429.680	26.331	310	0.963	2086.580	33.194
135	0.512	589.824	27.707	315	0.976	2143.296	33.311
140	0.588	777.924	28.909	320	0.988	2196.324	33.417
145	0.663	989.030	29.952	325	0.996	2232.036	33.467
150	0.733	1208.900	30.824	330	1.000	2250.000	33.522
155	0.797	1429.220	31.551	335	0.997	2236.520	33.496
160	0.854	1640.961	32.151	340	0.987	2191.880	33.408
165	0.901	1826.552	32.616	345	0.968	2108.304	33.239
170	0.940	1988.100	32.984	350	0.940	1988.100	32.984
175	0.968	2108.304	33.239	355	0.901	1826.552	32.616

**Exhibit RM-1**  
**Enid, Oklahoma**

**July 15, 2000**  
**by WES, Inc. Broadcast Consultants**

Spacing study to Digital TV on Enid's current channel 26

Study Location:  
Enid, OK Channel 26

NTSC Study Station, Transmitter Coordinates: 35-58-50 N 97-41-43 W

Study distance: 429 km

\*\*\*NTSC TO DTV STUDY RESULTS\*\*\*

City of License	ST	Chan	Bearing	Distance	Req. Dist	Diff.
Wichita	KS	26	4.30	218.03	244.60	-26.57
Ada	OK	26	150.09	207.49	244.60	-37.11
Enid	OK	18	341.69	57.95	96.60	-38.65
Oklahoma City	OK	24	158.63	51.36	96.60	-45.24
Oklahoma City	OK	27	157.79	49.37	88.50	-39.13
Oklahoma City	OK	33	157.86	50.38	96.60	-46.22
Shawnee	OK	29	157.33	84.17	96.60	-12.43

Station is short-spaced to 7 stations.

**July 15, 2000**  
**by WES, Inc. Broadcast Consultants**

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
520	KSBI	7463	OKLAHOMA CITY	OK	2	L	164.3	69.0	31.4	37.6
520	KSBI	7464	OKLAHOMA CITY	OK	2	C	156.3	46.3	31.4	14.9

\*\*\*\*\* End of channel 56 study \*\*\*\*\*

**Exhibit RM-3**  
**Enid, Oklahoma**

**July 15, 2000**  
**by WES, Inc. Broadcast Consultants**

Spacing study to Digital TV on Enid's newly proposed channel 56

Study Location:  
Enid, OK Channel 56

NTSC Study Station, Transmitter Coordinates: 35-58-50 N 97-41-43 W

Study distance: 429 km

\*\*\*NTSC TO DTV STUDY RESULTS\*\*\*

City of License	ST	Chan	Bearing	Distance	Req. Dist	Diff.
Tulsa	OK	55	88.59	182.16	88.50	93.66
Tulsa	OK	56	88.59	182.16	244.60	-62.44

Station is short-spaced to 1 stations.

**Exhibit FLR-1**  
**Enid, OK Channel 56**  
**July 15, 2000**

**Fortran Longley-Rice Interference Study**  
**by WES, Inc. Broadcast Consultants**

The following study was run to determine interference accepted  
By Tulsa DTV 56 with the addition of Enid, OK Channel 56.  
Enid, OK was included in the database at 2,250 kW with  
An Antenna Concepts C-170 pattern oriented at 260 degrees with  
A HAAT of 411 meters and RCAMSL of 735 meters. An antenna  
Pattern has been included in Exhibit ANT-1.

Study without Enid, OK Channel 56 in the database:

Run begins Sat Jul 15 18:11:46 2000, host providence

Analysis of: 56A OK TULSA

HAAT 505.0 m, ATV ERP 800.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1117844	37759.6
not affected by terrain losses	1107341	36933.6
lost to NTSC IX	96	8.0
lost to additional IX by ATV	5489	565.3
lost to ATV IX only	5585	573.3
lost to all IX	5585	573.3

Finished Sat Jul 15 18:17:11; run time 0:05:09

23610 calls to Longley-Rice; path distance increment 1.00 km

Study with Enid, OK Channel 56 added to the database:

Run begins Sat Jul 15 19:05:46 2000, host providence

Analysis of: 56A OK TULSA

HAAT 505.0 m, ATV ERP 800.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1117844	37759.6
not affected by terrain losses	1107341	36933.6
lost to NTSC IX	4708	613.4
lost to additional IX by ATV	5365	537.2
lost to ATV IX only	5585	573.3
lost to all IX	10073	1150.7

Finished Sat Jul 15 19:14:16; run time 0:07:29

31907 calls to Longley-Rice; path distance increment 1.00 km

**Exhibit FLR-2**  
**Enid, OK Channel 56**  
**July 15, 2000**

**Fortran Longley-Rice Interference Study**  
**by WES, Inc. Broadcast Consultants**

Study to demonstrate population coverage of Enid, OK Channel 56

Run begins Sat Jul 15 21:51:47 2000, host providence

Analysis of: 56N OK ENID

	POPULATION	AREA (sq km)
within Noise Limited Contour	905525	17567.9
not affected by terrain losses	904822	17471.7
lost to NTSC IX	0	0.0
lost to additional IX by ATV	75882	1957.8
lost to all IX	75882	1957.8

Finished Sat Jul 15 21:55:10; run time 0:02:25

8619 calls to Longley-Rice; path distance increment 1.00 km